

November 16, 2010

BY HAND-DELIVERY

Mr. James Wasilak
Mr. Castor Chasten
Mr. Bobby Ray
City of Rockville Planning Department
111 Maryland Avenue
Rockville, Maryland 20850

Re: Charles E. Smith Life Communities, Landow House, Phase II
1799 East Jefferson Street, Rockville, MD 20852-4069
Pre-Application Meeting Application for Site Plan Amendment
Modifications to Landow House, Phase II – **Project Description and Scope of
Work Narrative**

Gentlemen:

As you are aware, our firm represents the Charles E. Smith Life Communities (the CESLC) in regards to the Landow House, an assisted living facility located on Montrose Road and East Jefferson Street within the City of Rockville. As we previously discussed, through this Pre-Application Meeting Application for a Major (Level II) Site Plan Amendment, the CESLC would like to modify its approved Use Permit for Phase II of the Landow House to construct an 18-unit addition instead of the previously approved 39-unit addition.

1. CESLC Campus, Mission and Vision

By way of background, the CESLC campus is comprised of four residence facilities, which provide over 1,000 seniors with a wide variety of services ranging from independent living to long-term nursing home care. Specifically, the campus includes the following facilities:

- The Hebrew Home of Greater Washington (Hebrew Home) – a 556-bed skilled nursing and long term care facility that includes the Rakusin Rehabilitation Center for sub acute care;
- Ring House – a 250 unit independent living facility;
- Revitz House – a 250 unit affordable independent living facility;
- Landow House Phase I – a 60 unit assisted living facility; and,

Mr. James Wasilak
Mr. Castor Chasten
Mr. Bobby Ray
November 16, 2010
Page 2

- Hirsh Health Center – an outpatient geriatric clinic that serves the residents of the CESLC campus and the greater Rockville community.

CESLC maintains a commitment to the Jewish values of honouring the elderly and ensuring the dignity of each individual. With this unique approach to the needs of each patient and resident, the CESLC provides person-centered care that allows each individual to be as independent as possible. Accordingly, the CESLC's mission is to provide quality services to elders and their families, especially to those in need. Services and programs are open to all in the community. Moreover, the CESLC is viewed and supported by the community as the leader and provider of choice in delivering innovative and compassionate services for elders.

2. Landow House

As previously noted, the Landow House is currently operating as a 60 unit assisted living residence, in which residents receive support with the goal of maximizing an independent lifestyle. Assistance is provided with the activities of daily living, which become increasingly challenging as a person ages. Three meals a day are included as part of a resident's stay in the Landow House, along with housekeeping and wellness monitoring. A full range of social, fitness and cultural activities are also available. The Landow House provides services for individuals who do not need the full range of medical services available at the Hebrew Home but who still require supportive care.

3. Landow House: Prior Approval

The City of Rockville's Planning Commission approved Use Permit USE2002-00640 for the Landow House by letter dated May 30, 2002. The approval allowed for the construction of a "new 99 unit, two and three-story assisted living facility (with a basement)." The project was proposed to be constructed in two phases: Phase I – the construction of 60 units, which are now built and have been in use since 2005, and Phase II – the construction of 39 units, which were to be built as a separate wing of the Landow House when the capital funds were available to move forward. As of the date of this Pre-Application Meeting Application, Phase II has not yet been constructed. The Landow House also was approved by the City of Rockville Board of Appeals for Special Exception No. SPX 2001-00302 by letter dated June 20, 2001.

Mr. James Wasilak
Mr. Castor Chasten
Mr. Bobby Ray
November 16, 2010
Page 3

4. Landow House: Phase II Modifications/Process

The CESLC is now in a position, after much effort, to move forward with the construction of Phase II of the Landow House. After operating the Landow House for five years, the CESLC determined that Phase II should be smaller than the originally approved Phase II. Specifically, CESLC is proposing a reduction in the facility from approximately 38,000 square feet to one that currently is proposed to be approximately 16,500 square feet.

In early 2010, we met with Staff to discuss the phasing of the project and potential modifications to the approved Use Permit (now referenced to as the Site Plan). At that meeting, we were informed that subject to the City Attorney's review, the Landow House project would be considered as a single phased development and that the proposed modifications could be addressed administratively. Soon thereafter, we were notified that the Landow House development instead would be treated as multi-phased and that the project would be subject to the pending (and now approved) tolling legislation. Staff's view regarding the modifications to the Use Permit remained that they would be considered as a minor modification (Level 1 Site Plan Amendment).

However, on April 28, 2010, when we met with Staff on-site to discuss the construction of Phase II, Staff indicated that the Phase II modifications would need to be approved as a Major (Level II) Site Plan Amendment because, even though the square footage of the building area is being reduced, the revised building footprint is increasing by 6,000 square feet. As we noted, Phase II ultimately will be reduced from a 3 story building to a single story building. Moreover, the total unit count following construction will be 18 units instead of 39 units (78 units instead of the originally approved 99 units for the entire Landow House facility). Thus, the proposed modification to Phase II will decrease the intensity of development already approved for Phase II of the Landow House and will not be detrimental to the adjacent properties or the surrounding community. The modification also reduces any traffic that will be generated from the Phase II development given the reduction in units.

We continued discussions with Staff regarding whether this modification should be treated as a Level I or Level II amendment. In support of the CESLC's position that the amendment is a Level I amendment, we cited Section 25.05.07 (b)(3) of the City of Rockville Zoning Ordinance that states, "Modifications that result in a reduction of floor area or other development intensity may be approved by the Chief of Planning under a Level 1 site plan review process." This section of the Zoning Ordinance squarely

Mr. James Wasilak
Mr. Castor Chasten
Mr. Bobby Ray
November 16, 2010
Page 4

addresses the situation at hand – the unit count in Phase II of the Landow House is decreasing from 39 to 18 units and the height of the building is being reduced by several floors. Thus, not only is the floor area being reduced but the building itself is less intense than the previously approved structure. A full Level II process does not seem warranted for this particular application. Given the CESLC's limited financial resources (and the considerable cost for a Level II amendment) as well as the above referenced section of the Zoning Ordinance, we truly believe the proposed modification should be addressed as a Level I amendment and would respectfully request that this issue be reconsidered at our Pre-Application Development Review Committee meeting.

As we discussed with Staff, due to scheduling reasons and given Staff's current position that the amendment needs to be reviewed as a Level II amendment, we would be grateful if we could meet with the Development Review Committee to discuss these plans on Thursday, December 2, 2010. The CESLC is under considerable time pressures to see this phase of the Landow House to fruition – any expedited review would be appreciated.

In preparation for that meeting, we are submitting twelve copies of the following materials:

1. Completed Pre-Application Meeting Application form;
2. \$150 pre-application filing fee (50% discount due to CESLC's status as a non-for profit organization);
3. Preliminary site plan amendment drawing;
4. Transportation Scoping Intake Form;
5. Stormwater Management Concept Plan and \$1,000 filing fee;
6. Copy of approved Natural Resource Inventory/Forest Stand Delineation (NRI/FSD);
7. Project Description and Scope of Work Narrative (contained in this letter); and

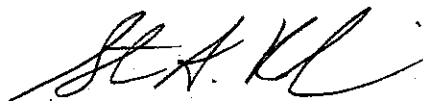
Mr. James Wasilak
Mr. Castor Chasten
Mr. Bobby Ray
November 16, 2010
Page 5

8. CDs containing electronic (PDF) version of submittal requirements.

The CESLC already has conducted numerous outreach efforts with the community, including the existing Landow House and Ring House residents and the Charles E. Smith Jewish Day School. To date, we also believe the community would be supportive of the proposed modifications to Phase II.

If you have any questions in advance of our meeting, please do not hesitate to call us. Otherwise, we look forward to meeting with you at the DRC meeting. Thank you very much for your consideration and cooperation.

Very truly yours,



Steven A. Robins



April B. Mackoff

Attachments, as described

cc (w/attachments): Beth DeLucenay
Eric Krull
Donald Green
Mike Devine
Ed Van Coutren